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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

086142-0575

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On May 13, 2006

Signature

Typed or printed name

Application Number

10/651,038

Filed

8/29/2003

First Named Inventor

Katsuyuki SAKAI

Art Unit

3616

Examiner

Laura B. Rosenberg

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

☒ attorney or agent of record.

Registration number 39,370

☐ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34

Signature

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Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.



*Total of 1 forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Atty. Dkt. No. 086142-0575

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Katsuyuki SAKAI et al.
Title: OCCUPANT PROTECTION SYSTEM
Appl. No.: 10/651,038
Filing Date: 8/29/2003
Examiner: Laura B. Rosenberg
Art Unit: 3616

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the New **Pre-Appeal Brief Conference Pilot Program**, announced July 11, 2005, this Pre-Appeal Brief Request is being filed together with a Notice of Appeal.

REMARKS

Claims 1, 2, 4-6, and 8-12 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Pub. No. 2001/0011810 (hereafter "Saiguchi et al."). This rejection is respectfully traversed.

The Advisory Action mailed on April 10, 2006 indicated in box 7 that the after-final amendments were entered. Box 11 of the Advisory action indicated that the request for reconsideration did not place the application in condition for allowance. However, the Office did not establish a prima facie case of anticipation in light of the claim amendments. Nor did the Office provide reasons for maintaining the previous rejection in light of the claim amendments. The Office merely stated "[a]pplicant's arguments are not persuasive, and the amendment to the claims does not overcome the prior art of record." See Continuation Sheet of Advisory Action.

Applicants further contacted the Office to request an after-final interview to discuss the rejection. This request for an interview was denied by the Office. Applicants now respectfully request Pre-Appeal Brief Review of this application.

Claim 1 recites an occupant protection system that includes a seat pan arranged below a seat cushion, an inflatable airbag arranged above the seat pan for pushing the seat cushion from below, and a gas generator for inflating the airbag in an emergency; wherein the gas generator is separate and exterior to the airbag, and is connected to the airbag via a pipe, wherein the airbag and the gas generator are mounted to the seat pan, wherein the gas generator is arranged along the upper surface of the seat pan. Claim 5 includes similar language.

Claim 4 recites an occupant protection system that includes a seat pan arranged below a seat cushion, an inflatable airbag arranged above the seat pan for pushing the seat cushion from below, and a gas generator for inflating the airbag in an emergency, wherein the gas generator is separate and exterior to the airbag, and is connected to the airbag via a pipe; wherein the airbag and the gas generator are mounted to the seat pan, wherein the gas generator is arranged along the lower surface of the seat pan. Claim 9 includes similar language.

Saiguichi et al. discloses a seat that includes an airbag 320 that is arranged above a base plate 42 and an inflator 38C, 380 that is connected to the airbag 320 through an anchor 42d or side panel 420. See Saiguichi et al. at paragraphs 0172 and 0217-0218. As shown in Figures 23, 27, and 34, Saiguichi et al. discloses that the inflator 38C, 380 is arranged to the side of the base plate 42. Because the inflator 38C, 380 is arranged to the side of the base plate 42, Saiguichi et al. does not disclose that the inflator is “arranged along the upper surface of the seat pan” or “arranged along the lower surface of the seat pan.”

On page 3 of the Office Action mailed on January 13, 2006, the Office stated that “‘upper’ or ‘lower’ surface would depend upon the frame of reference, which has not been specified.” Applicants submit that the disclosure of the application provides a frame of reference and meaning for an upper surface and a lower surface. For example, Applicants’

disclosure provides meaning and a frame of reference for an upper surface and a lower surface in paragraph 0032 of the specification, as well as in Figures 1-4. In particular, Figures 1-3 show examples of a gas generator arranged along the upper surface of a seat pan and Figure 4 shows an example of a gas generator arranged along the lower surface of a seat pan. In light of the frame of reference and the meaning provided by the Applicants' disclosure, one of ordinary skill in the art would understand that Saiguchi et al. does not disclose all of the features recited by claims 1, 4, 5, and 9.

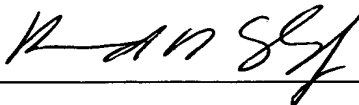
Applicants further note that Saiguchi et al. is related to JP 2001-247010, which is discussed in paragraph 0004 of the specification. As noted in paragraph 0004, this arrangement requires multiple operations to mount the system to a seat, thus complicating mounting of the system to the seat. By mounting the airbag and gas generator to a seat pan, Applicants' invention facilitates mounting of an occupant protection system to a seat, as discussed in paragraph 0006 of the specification. Furthermore, arranging the gas generator along the upper surface of the seat pan can facilitate the connection between the gas generator and the airbag, whereas arrangement of the gas generator along the lower surface of the seat pan can increase the flexibility of the gas generator arrangement, as discussed in paragraph 0008 of the specification.

For at least the reasons set forth above, withdrawal of this rejection is respectfully requested.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance.

Respectfully submitted,

Date 5/12/2006

By 

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